

EXHIBIT LIST

DATE: 2/1/10 CAUSE NUMBER: 4:07 cv 270 JCH
 STYLE: Securities & Exchange Commission v. Shanahan page 1

NUMBER	ID DATE	BY (WITNESS #)	DESCRIPTION	OBJECTED TO	RECEIVED DATE
Δ's H002	2/2/10	Randall Heron	APB Opinion 25		2/2/10
Δ's H003	2/2/10	" "	FAS 123 (Financial Accounting Standards)		
Δ's V016	2/2/10	" "	On the Timing of CEO Stock Option Awards article		2/2/10
Δ's D073	2/2/10	" "	4/11/01 Email re Comp Committee Meeting on 4/6/01		
Δ's N030	2/2/10	" "	2002 Notice of Annual Meeting of ESSF Shareholders w/attached Proxy Statement		
Δ's N025	2/2/10	" "	2000 Notice of Annual Meeting of ESSF Shareholders w/attached Proxy Statement		
Π's 74	2/2/10	Steven J. Landmann	12/3/96 Stock option award letters & Certificates		2/2/10
Π's 3	2/2/10	" "	December 196 handwritten list of ESSF Stock Options		2/2/10
Π's 76	2/2/10	" "	2/2/98 Stock option award letters & Certificates	by Defendant	2/2/10
Π's 75	2/2/10	" "	3/11/98 Stock option award letters & Certificates		2/2/10
Π's 38	2/2/10	" "	4/8/98 Gerhardt note to Landmann re stock options		2/3/10
Π's 177	2/2/10	" "	Marked-up draft 3/11/98 Stock option award letter		2/2/10
Π's 77	2/2/10	" "	8/12/98 Stock option award letters & Certificates		2/2/10
Π's 78	2/2/10	" "	9/8/98 stock option award letters & Certificates		2/2/10
Π's 14	2/2/10	" "	9/30/98 Stock option list		2/3/10
Π's 34	2/3/10	" "	5/21/98 salary & Stock option list w/ 4/15/98 notes		2/3/10
Π's 164	2/3/10	" "	Marked-up draft 8/12/98 Stock option award letter & certificate		2/3/10
Π's 80	2/3/10	" "	4/22/99 Stock option award letters & Certificates		2/3/10
Π's 4	2/3/10	" "	199 notes re ESSF Stock Options		2/3/10
Π's 79	2/3/10	" "	199 Stock option award instructions & marked-up draft award letter & certificate		2/3/10
Π's 82	2/3/10	" "	7/2/99 stock option award letters & Certificates		2/3/10
Π's 81	2/3/10	" "	Records pertaining to 7/1/99 Option grant		2/3/10
Π's 83	2/3/10	" "	12/9/99 Stock option award letters & Certificates		2/3/10
Π's 192	2/3/10	" "	Handwritten stock option list for 12/9/99 option grant		2/3/10
Π's 23	2/3/10	" "	3/20/00 list of Stock option recipients w/ marked-up draft award letter & certificate		2/3/10
Π's 215	2/3/10	" "	Form 4 for Shanahan Sr. Signed 1/6/00	by Defendant	2/3/10
Π's 194	2/3/10	" "	ESSF stock option grant schedule		2/3/10
Π's 216	2/3/10	" "	Form 4 for Gerhardt Signed 1/6/00		2/3/10

EXHIBIT LIST

DATE: 2/1/10 -

CAUSE NUMBER: 4:07cv 270 JCH

STYLE: Securities & Exchange Commission v. Shanahan

Page 2

NUMBER	ID DATE	BY (WITNESS #)	DESCRIPTION	OBJECTED TO	RECEIVED DATE
TT's 84	2/3/10	Steven J. Landmann	5/5/00 Stock option award letters & Certificates		2/3/10
TT's 50	2/3/10	" "	1/12/01 Stock option award letter & Certificate to Nicholson & acceptance of position		2/3/10
TT's 15	2/3/10	" "	Records pertaining to 5/4/00 option grant		2/3/10
TT's 86	2/3/10	" "	3/30/01 stock option award letters & Certificates		2/3/10
TT's 6	2/3/10	" "	4/11/01 email re Comp Committee Meeting		2/3/10
TT's 52	2/3/10	" "	7/25/02 Stock option award letters & Certificates		2/3/10
TT's 20	2/3/10	" "	7/25/02 email re options		2/3/10
TT's 217	2/3/10	" "	Form 4 for Shanahan Sr. filed 8/2/02		2/3/10
TT's 25	2/3/10	" "	2002 Stock option recommendations for 10/17/02 grant option		2/3/10
TT's 43	2/3/10	" "	Records pertaining to 9/14/01 exercise of Stock options by Shanahan Jr.		2/3/10
TT's 56	2/3/10	" "	2/8/96 Memo re Non-employee director options		2/3/10
TT's 189	2/3/10	" "	Records pertaining to 8/27/98 exercise of Stock options by Shanahan Jr.		2/3/10
TT's 190	2/3/10	" "	Records pertaining to 6/1/01 exercise of stock options by Shanahan Jr.		2/3/10
TT's 118	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 2/5/97		2/3/10
TT's 119	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 2/5/98		2/3/10
TT's 120	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 2/1/99		2/3/10
TT's 35	2/3/10	" "	2/1/99 ESSI draft proxy statement w/ handwritten changes		2/3/10
TT's 121	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 1/28/00		2/3/10
TT's 122	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 1/29/01		2/3/10
TT's 123	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 1/28/02		2/3/10
TT's 125	2/3/10	" "	ESSI Definitive 14A (proxy statement) filed 1/28/03		2/3/10
TT's 132	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/97 filed 1/28/98		2/3/10
TT's 133	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/98 filed 1/29/99		2/3/10
TT's 134	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/99 filed 1/28/00		2/3/10
TT's 135	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/00 filed 1/29/01		2/3/10
TT's 136	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/02 filed 1/28/03		2/3/10
TT's 137	2/3/10	" "	ESSI Form 10-K for fiscal year ended 10/31/01 filed 1/28/02		2/3/10
TT's 48	2/3/10	" "	List w/ notes re discussion on option "no repricing clause"		2/3/10

EXHIBIT LIST

DATE: 2/1/10 -

CAUSE NUMBER: 4:07cv270 JCH

STYLE: Securities & Exchange Commission v. Shanahan

Page 3

NUMBER	ID DATE	BY (WITNESS #)	DESCRIPTION	OBJECTED TO	RECEIVED DATE
Π's 124	2/3/10	Steven J. Landmann	ESSI Definitive 14A (proxy statement) filed 5/1/02		2/3/10
Π's 103	2/3/10	" "	3/20/00 handwritten notes	by Defendant	
Π's 104	2/3/10	" "	2/24/00 fax from Maguire re proxy voting guidelines letter		2/3/10
Π's 155	2/3/10	" "	2/14/02 email from Corrao re Fidelity Investments, attaching voting guidelines		2/3/10
Δ's D3	2/4/10	" "	12/3/96 Draft Stock option award letter & Certificate w/ handwriting		2/4/10
Δ's D7	2/4/10	" "	1/22/97 handwritten notes re Gerhardt Instructions for Capeless Options		2/4/10
Δ's D16	2/4/10	" "	3/10/98 America Online ESSI Stock price list w/ notes		2/4/10
Δ's E84	2/4/10	" "	12/22/03 email recommending Stock option grant for Sean	by Plaintiff	
Δ's W74	2/4/10	" "	Compilation of Landmann Stock Option Award Letters & Certificates	by Plaintiff	2/4/10
Δ's W76	2/4/10	" "	1/31/06 Landmann HM Capital Management Merger Consideration Report	by Plaintiff	2/4/10
Δ's W75	2/4/10	" "	Compilation of Landmann Stock Option Exercise Documents	by Plaintiff	2/4/10
Δ's I88	2/4/10	" "	7/20/00 PwC Pre-exam report to ESSI Audit Committee		2/4/10
Δ's I89	2/4/10	" "	12/2/00 PwC Report to ESSI Audit Committee		2/5/10
Δ's I86	2/5/10	" "	12/16/99 PwC Report to ESSI Audit Committee		2/5/10
Δ's I100	2/5/10	" "	12/19/02 PwC Post-Exam Report to ESSI Audit Committee		2/5/10
Δ's K9	2/5/10	" "	2/22/99 ESSI PwC Representation letter		2/5/10
Δ's K21	2/5/10	" "	12/7/00 ESSI PwC Representation Letter		2/5/10
Δ's K26	2/5/10	" "	9/14/02 ESSI PwC Representation Letter		2/5/10
Δ's I40	2/5/10	" "	1/28/02 PwC Workpaper - "SBC Program"		
Δ's J1	2/5/10	" "	1/10/02 Landmann notes re Stock option exercises		2/5/10
Δ's E57	2/5/10	" "	10/31/02 Chart re ESSI Stock Options for Year Ending 10/31/02		2/5/10
Δ's Q3	2/5/10	" "	1/9/02 Landmann notes re "Comp Committee Report"		2/5/10
Δ's Q1	2/5/10	" "	'96 Draft Report on Executive Compensation		2/5/10
Δ's F26	2/5/10	" "	191 Draft Stock Equity Plan w/ handwritten edits		2/5/10
Δ's Q4	2/5/10	" "	1/24/01 Draft 2000 ESSI Form 10-K w/ notes		2/5/10
Δ's P2	2/5/10	" "	1/29/01 Compilation of ESSI Board Member letters from Landmann		2/5/10
Δ's P3	2/5/10	" "	1/17/01 Set of Signed Signature Pages for 1/29/01 ESSI Form 10-K		2/5/10
Δ's V3	2/5/10	" "	3/11/98 Draft Stock Option Award letter and Certificate to Earls		2/5/10

EXHIBIT LIST

DATE: 2/1/10

CAUSE NUMBER: 4:07 cv 270 JCH

STYLE: Securities & Exchange Commission v. Shanahan

Page 7

NUMBER	ID DATE	BY (WITNESS #)	DESCRIPTION	OBJECTED TO	RECEIVED DATE
Δ's B43	2/5/10	Steven J. Landmann	12/6/00 ESSF Organizational Chart		2/5/10
Π 17	2/8/10	(3)	Email		2/9/10
Π 52	2/8/10	(3)	Stock options Award LRS		
Δ ^D 62	2/8/10	3	Spreadsheet of Π's gh 15		
Δ D16	2/8/10	3	ESSI Stock price list w/notes		
Δ G007	2/8/10	3	Email from Lew.		
Π 162	2/8/10	4	8/18/95 Fax		2/8/10
Π 2	2/8/10	4	10/18/96 Mattern Memo		2/8/10
Π 34	2/8/10	4	8/21/98 Salary/Option Lst.		Already Admitted
Π 40	2/8/10	4	5/5/00 Letter		2/8/10
Π 41	2/8/10	4	Stock Opt Award letter		2/8/10
Δ Y	2/8/10	4	4 initialed Xs		2/8/10
Δ C002	2/8/10	4	Compilation Memo		
Π 5	2/8/10	5	7/17/00 Fax		2/8/10
Π 195	2/9/10	5	7/14/02 Email		2/9/10
Π 197	2/9/10	5	8/8/02 Email		2/9/10
Δ C30	2/9/10	5	Minutes 12/15/94		2/9/10
Δ C41	2/9/10	5	Minutes 12/19/96	Π 2/9	2/9/10
Δ C43	2/9/10	5	Minutes 3/6/97		2/9/10
Δ C49	2/9/10	5	Minutes 12/18/97		2/9/10
Δ C52	2/9/10	5	Minutes 7/10/98		2/9/10
Δ C71	2/9/10	5	Minutes 7/20/00		2/9/10
Δ C79	2/9/10	5	Minutes 9/14/01		2/9/10
Δ C85	2/9/10	5	Minutes 7/18/02		2/9/10
Δ G39	2/9/10	5	7/20/00 Agenda		2/9/10
Δ G34	2/9/10	5	10/17/96 Memo		2/9/10
Δ D59	2/9/10	5	Clean Version		2/9/10
Δ W145	2/9/10	5	Compilation of Award LRS		2/9/10

EXHIBIT LIST

DATE: 2/9 page 5 CAUSE NUMBER: 4:07CV270JCH
 STYLE: SEC v Gerhardt et al

NUMBER	ID DATE	BY (WITNESS #)	DESCRIPTION	OBJECTED TO	RECEIVED DATE
Δ 5007	2/9/10	⑥			2/9/10
π 1	2/9/10	7	Memo		
π 16	2/9/10	7	Email		
π 62	2/9/10	7	Desk Calendar		2/9/10
π 103	2/9/10	7	10/22/02 Email		2/9/10
π 90	2/10/10	7	Chart		2/10/10
Δ W83	2/10/10	7	Resume		2/10/10
Δ W84	2/10/10	7	Quartermasters		2/10/10
Δ G17	2/10/10	7	11/21/91 Report		2/10/10
Δ G63	2/10/10	7	12/27/04 Email		2/10/10
Δ B15	2/10/10	7	Reprint of Article		
Δ W85	2/10/10	7	Collection of Exhibits		2/10/10
Δ W88	2/10/10	7	Stock Options List		2/10/10
Δ W93	2/10/10	7	Collection of Form 4s		
Δ G73	2/10/10	7	Highest Paid Execs	2/10/10	2/10/10
Δ N9	2/10/10	7	94 - 93 time Period		2/10/10
Δ M14	2/10/10	7	1/19/97 ESST Form		
Δ G6	2/10/10	7	Long Email Chain	2/10/10	2/10/10
Δ N16	2/10/10	7			2/10/10
Δ T1	2/10/10	8	Analyst Reports		2/10/10
Δ T4	2/10/10	8	Analyst Report		2/10/10
Δ T6	2/10/10	8	Analysts Reports		2/10/10
Δ T10	2/10/10	8	Analysts Reports		2/10/10
Δ T12	2/10/10	8	Analysts Reports		2/10/10
π 439	2/10/10	9	Research Report		2/10/10
π 440	2/10/10	9	ISS Report		2/10/10
π 443	2/10/10	9	ISS Proxy Analysis		2/10/10
π 449	2/10/10	9			

EXHIBIT LIST

DATE: 2/10/60 page 6 CAUSE NUMBER: 4:07CV270JCH
STYLE: SEC v. Gerhardt et al

[illegible]